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Tallahassee, Florida 32301  
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County Attorney

(850) 487-1008

August 4, 2004

Randall E. Denker, Esq.  
7600 Bradfordville Road  
Tallahassee, FL 32309

RE: Negligence Allegation on behalf of James and Linda Mills, Kerri Foster  
and Siwo and Dineke deKloet

Ms. Denker:

We received your correspondence alleging negligence by Leon County in issuing single-family building and environmental permits to Richard and Elizabeth Albertson and Jason and Andrea Meadows their lots fronting on Cripple Creek Drive adjacent to the Quail Valley subdivision. We emphatically deny that Leon County acted negligently in issuing the permits. The permit applicants purchased legal lots of record and presented applications for single family building permits which comply with all applicable county code requirements. The County legally issued environmental permits associated with constructing a single family home to ensure that existing stormwater drainage was not inhibited by construction on those lots.


Further, inasmuch as Cripple Creek Drive is a private road, Leon County did not issue driveway connection permits to this road, nor was the County under an obligation to ascertain whether the permit applicants had legal access to Cripple Creek Drive. We also deny the allegation of your letter that Leon County was "on notice" that the applicants had no legal access to Cripple Creek Drive and therefore acted negligently in issuing the permits. As to the allegations regarding flawed access easements across Lots 16, 17, 18, 19 and 20 for ingress and egress by these lot owners to Charles Samuel Drive, we have no knowledge, nor does that determination appear to be relative to the issue you raise.

If your clients have a disagreement with the owners of Lots 16, 17, 18, 19 and 20 as to whether those lots have legal access to Cripple Creek Drive, or whether their easements are limited to ingress and egress, rather than construction of utilities,

that is a private matter to be resolved between private parties. We are also forwarding a copy of this correspondence to Mr. Terrence Dariotis and the law firm of Smith, Thompson, Shaw and Manausa, P.A., which issued the title insurance policies for lots sold by New Construct, Inc. to the Albertsons and the Meadows.

Sincerely,

COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

  
Suzanne Van Wyk, Esq.  
Assistant County Attorney

SVW:sl

cc: Parwez Alam, County Administrator  
Ray Burroughs, Director of Building Review & Inspection  
David McDevitt, Director of Development Review  
Terrence T. Dariotis, Esq.  
Danny Manausa, Esq.